

# Memo

To: Planning and Zoning Commissioners  
From: Beth Wilson  
Date: 7/12/2006  
Re: Conditional Use Permit CU 06-04

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Conditional Use Permit CU 06-04 is a request to allow the development of six patio homes on a vacant tract of land zoned 'RD-5' Residential 5000, located at the northwest corner of Finfeather and Turkey Creek Roads. This request was heard by the Planning and Zoning Commission on June 1, 2006. During the public hearing, three property owners within the notification area spoke in opposition to the request, citing concerns regarding the density of the development, the number of bedrooms per unit and anticipated parking problems. The Commission denied the Conditional Use Permit request by a vote of 5 to 2.

On June 27, 2006 Bryan City Council heard an appeal to overrule the Planning and Zoning Commission's decision to deny case CU 06-04. At their meeting, the City Council moved to refer the item back to Planning and Zoning. An excerpt from that meeting is found below.

## **Appeal of Decision to Deny Conditional Use Permit (CU 06-04)**

Development Services Manager Kevin Russell presented information regarding an appeal of the Planning and Zoning Commission's decision to deny a request for a conditional use permit to allow the development of six patio homes on a vacant tract of land zoned 'RD-5' Residential District 5000, located at the northwest corner of Finfeather and Turkey Creek Roads, being Block 1 of the Oak Glade Addition, Bryan, Brazos County, Texas. He stated the conditional use permit was needed due to the zero lot line involved in the proposed development. He reported staff recommended approval; however, the Planning and Zoning Commission denied the request.

Mr. Joe Gattis, civil engineer for the project, reported his client had met all City codes, including off street parking requirements. Mr. John Hensarling, developer, reported that his plans were to build single family homes to sell. He stated the lot size exceeded the minimum required for patio homes. He stated the patio homes were proposed to have four bedrooms and three parking spaces plus a garage. He stated this met or exceeded City requirements. He pointed out he was not able to attend the Planning and Zoning Commission meeting when this item was considered. Mr. Russell confirmed that the builder had met all City guidelines.

After discussion, Councilmember Marin moved that the Council neither approve or deny the appeal, but refer it back to the Planning and Zoning Commission for reconsideration with the applicant present, to determine if the matter could be resolved. The motion was seconded by Councilmember Southerland. Councilmember Bienski moved the previous question, but the motion was not considered due to the lack of a second. After discussion, the motion carried with five yeses, one no (Councilmember Conlee) and one absent (Councilmember Hardeman).